Exhibit 31

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
MARITIME COMMUNICATIONS/LAND MOBILE, LLC, *Assignor*	)	
	)	
and	)	Application File Nos. 0004153701, and 0004144435
	)	
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY, *Assignee*	)	
	)	
For change in regulatory status of a geographically partitioned portion of the license area of Station WQGF318, assignment of partitioned portion and related waiver requests	)	

To: Marlene H. Dortch, Secretary
Attention: The Commission

OPPOSITION TO SUPPLEMENT TO SHOWING PURSUANT TO FOOTNOTE 7

Warren C. Havens, Environmentel, LLC, Intelligent Transportation and Monitoring Wireless, LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB, LLC, Verde Systems, LLC, and V2G LLC (collectively, "SkyTel") hereby submit this Opposition to the Supplement to Showing Pursuant to Footnote 7 submitted by Southern California Regional Rail Authority ("SCRRA") on June 21, 2011 (the "SCRRA Supplement"), in support of SCRRA's request to have the above-captioned applications removed from the hearing proceeding under FCC 11-64 (the "Martime Hearing" or the "Hearing"). Since it is a list of baseless assertions, and for other good causes, the SCRRA Supplement should be given no weight, and SCRRA should not be removed from the Maritime Hearing.

I. Procedural Objections

SkyTel opposes the SCRRA Supplement on procedure for several reasons.

1. The "showing" which this SCRRA Supplement supplements (the "Showing") appears to be a motion filed under §1.229 of the Commission rules based upon the Commission allowance provided in advance in footnote 7 of FCC 11-64 which permitted a certain "showing by the Parties." SCRRA did not show good cause to late file the SCRRA Supplement if §1.229 does apply, *or for any other reason*. Thus, the SCRRA Supplement should be dismissed as tardy. Clearly, the Hearing should not be subject to repeated attempts to change of the parties and related discovery and issues, but should proceed in orderly and timely fashion. (SkyTel, however, has in the Hearing and otherwise before the FCC shown why other proceedings related to the subject Maritime licenses should take precedence over the Hearing.)

2. The SCRRA Supplement is should be rejected since it is not a "showing by the Parties," (here, SCRRA and Maritime) but is only by SCRRA.

3. The SCRRA Supplement is defective since it is based on unverified facts in a contested licensing matter. The Maritime-to-SCRRA assignment application (the "SCRRA Application") is subject to a pending Petition to Deny filed by SkyTel, and it in substance an additional Opposition to said Petition to Deny. All facts by the challengers and opponents in a petition to deny proceeding must be under a sworn statement by a party with direct knowledge of the facts.

4. The SCRRA Supplement and the Showing are before the Commission. The SCRRA Supplement is defective since it was not served upon any of the SkyTel constituent entities who are the petitioners in said petition to deny proceeding. It was served only to the law firm representing SkyTel in the Hearing Proceeding in Docket No. 11-71, however, said law firm

only represents SkyTel in that Hearing Proceeding, as stated in this firm's Notice of Appearance in the Hearing, but not, at this time, in any other matters including in said petition to deny proceeding of the SCRRA Application and this subject SCRRA showing under said footnote 7. Also, each SkyTel constituent entity is a distinct legal entity, keeps separate files, and makes separate decisions including in this petition to deny proceeding and related matters, and each must be separately served. This has been explained to SCRRA legal counsel previously. Further, the SCRRA Supplement is an impermissible ex parte presentation in said petition to deny proceeding since it was not served upon SkyTel as note above. FCC staff should report this to the Office of General Counsel.

5. SkyTel asserts that the Hearing under FCC 11-64 is improper and severely prejudicial to SkyTel's rights with regard to its pending application for review and petition for reconsideration based on new facts, and various petitions to deny, described in SkyTel's "Amended Motion to Enlarge in the Hearing" filed June 29, 2011. SkyTel references and incorporates herein said position, which includes that the Hearing, the SCRRA Application, the Showing and the SCRRA Supplement all should be found as unnecessary and prejudicial to SkyTel since the "Maritime Licenses" (defined in said Amended Motion) should have been, and now should be, awarded to the lawful high bidder in Auction 61, which are two of the SkyTel constituent entities.

6. In addition, and at minimum as to procedural defects, the SCRRA is defective for reasons made clear by the FCC and by parties filing comments in WT docket No.11-79: The FCC stated purpose of this docket, as shown in the Public Notice, DA No. 11-838 is to obtain information on what US railroads, including SCRRA, have thus far failed to make clear to the FCC including all of the assertions in the SCRRA Supplement. Thus, the FCC has already

determined that, at this time, there is insufficient showing of need of any particular amount of or frequency-range of FCC licensed spectrum for Positive Train Control use of any railroad including SCRRA. Indeed, the SCRRA comments in docket 11-79 fail to provide any factual showing in support of its position in the above-noted petition to deny proceeding that SCRRA itself requires 1 MHz of AMTS spectrum solely for its own Positive Train control and no other spectrum is available or will suffice.

7. The SCRRA Supplement is also defective procedurally since the Showing itself is defective procedurally for reasons shown by SkyTel in its challenge to the Showing before the Commission.

Accordingly, on procedural grounds alone, the SCRRA Supplement should be dismissed.

II. Substantive Opposition

Due to the procedural violations and defects noted above, the SCRRA Supplement is not properly before the Commission. However, out of an abundance of caution, SkyTel further responds as follows as to the substance of the SCRRA Supplement:

1. SkyTel references and incorporates all of their comments in their filing in docket 11-79 noted above (including all of the materials referenced in said comments pleading): In this regard, the SCRRA Supplement is simply one more rehash, with additional unsupported and specious extensions, of the SCRRA assertions made over and over since it commenced with them in its Opposition in the above-noted petition to deny proceeding, thereafter repeated in three pubic dockets. SCRRA does not deserve repeated "bites at the apple" to attempt to shake loose from the basic requirements of the Communications Act (for reasons made clear in SkyTel pleadings opposing the SCRRA Application in the private-restricted, and public proceedings).

While in substantial part repetitive of the SkyTel pleadings just referenced and incorporated, SkyTel also states the following.

2. In addition, in upcoming Reply Comments in docket 11-79, in large part drawing on showings already before the FCC, SkyTel will show that-- contrary to the unsupported and clearly repeatedly and deliberately false and misleading claims by SCRRA, and its legal counsel in the Showing and the SCRRA Supplement, the best use of AMTS spectrum is for transportation, including railroad, safety: and this is **not** for stand-alone PTC (which requires a very small amount of wireless data), but is for what SkyTel is planning and has publicly presented for years-- certain advanced wireless for Intelligent Transportation Systems in the nation, including for the component of High Accuracy Location, and where SDR and Cognitive Radio are employed. SkyTel plans this first on a nonprofit basis (the core safety and efficiency applications will be at no cost to government entities and the general public).

3. SCRRA argues in the SCRRA Supplement that the procedural schedule outlined by the Presiding Judge in the matter of Maritime Communications/Land Mobile, LLC, EB Docket No. 11-71 (the "Maritime Hearing") threatens unacceptable delay to SCRRA's implementation of positive train control ("PTC") pursuant to the Rail Safety Improvement Act of 2008 ("RSIA"). In fact, SCRRA's position is a combination of speculation and unsupported legal conclusions that SCRRA seeks to elevate to the level of inarguable facts. As an initial matter, the schedule proposed by the Presiding Judge contemplates the commencement of the Maritime Hearing on March 20, 2012. From this date, SCRRA makes the unsupported leap that the Maritime Hearing is "not likely to be finally resolved until 2016, at the earliest."1 This assertion rests on the assumption that the Presiding Judge will not submit an Initial Decision

1 SCRRA Supplement at 2.

until sometime in 2013, that one or more parties will seek administrative review that will require 18 months, and that one or more parties will then seek judicial review that will require an additional 18 months. This is nothing more than layers of speculation masquerading as fact. SCRRA is complaining about undue delays due to two levels of appeal that have not yet been filed from an Initial Decision that has not yet been written. SCRRA only compounds this speculation by suggesting that its own, voluntary commitment to beat the RSIA's December 31, 2015 deadline for PTC by three years should somehow be controlling with respect to SCRRA's involvement in this proceeding.

4. Further, the entire premise of SCRRA's argument is that SCRRA *must* have access to the spectrum under the Application in order to comply with its obligations under the RSIA. This is baseless and shown previously in the proceedings and pleadings noted above. The RSIA in fact does not mandate a particular approach, let alone the use of a particular band of spectrum.2 Notwithstanding its somewhat heated assertions regarding the physical safety of the public, SCRRA's central premise – that without access to a particular slice of spectrum it is unable to move forward – is fatally flawed and finds no support in the RSIA itself. Critically, rather than accept the speculative, years-long delay it now claims is somehow inevitable, SCRRA is absolutely free to pursue other possible solutions for the implementation of PTC, including securing access to alternative spectrum resources. Indeed, given its stated concern for public safety and the uncertainty of the ultimate resolution of SCRRA's request to be removed from the Hearing, one can only assume that SCRRA already is reasonably and responsibly investigating such alternatives.

2 Beyond the fact that the RSIA does not mandate use of a particular band, SkyTel does not, in any event, agree that PTC would require access to the amount of spectrum at issue in the above-captioned applications.

In fact, far from being the settled matter that SCRRA implies, the issue of what, and how much, spectrum, if any, entities such as SCRRA require to implement PTC is the subject of an open proceeding before the Commission, noted above (docket 11-79). SCRRA is free to participate in that proceeding and advocate its position. It should not, however, attempt to corral spectrum resources the Commission itself has not yet determined are needed by suggesting the existence of a particular spectrum mandate that simply does not exist, or use as a shield a particular timeline that SCRRA itself has established. Indeed, in this docket 11-79, SCRRA effectively admits in its Comments that it has is own *self-imposed* mandate years earlier than the federal one it spuriously relies on in the Showing and SCRRA Supplement:

> While the Rail Safety Improvement Act of 2008 mandates PTC implementation by the end of 2015, SCRRA, alone among commuter railroads, is on an aggressive schedule, using best efforts to deploy PTC by December 31, 2012, a full three years before the deadline set by the Congressional mandate.

5. Moreover, as shown by SkyTel in the proceeding note above involving SCRRA, SkyTel offered to SCRRA before and after filing its petition to the deny the Application sufficient spectrum, including in the AMTS bands, for legitimate Positive Train Control (and even related wireless as well), but SCRRA showed no interest. This appears to be due to SCRRA's misrepresentation and lack of candor before the FCC in the Application, Showing, and SCRRA supplement as to the real parties in interest in what SCRRA represents as its own PTC needs and projected system. SCRRA for the first time, after repeated demonstrations by SkyTel as to the following facts in the face of SCRRA misrepresentation, admits to this in its Comments in docket 11-79, footnote 1:

> SCRRA is joined in this commitment by the Burlington Northern Santa Fe Railroad and the Union Pacific Railroad, the two main freight railroads in the Los Angeles Basin area, as well as by Amtrak, which operates as an inter-city passenger tenant on SCRRA's tracks. SCRRA is working cooperatively with these rail carriers and PTC 220, LLC, to design and deploy its PTC system.

As SkyTel will show in its Reply Comments in docket 11-79, including by internal documents of these railroads, SCRRA was not "joined" by these larger railroads recently, but for years they together planned a joint wireless system to include (as a minor part in terms of data capacity) Positive Train Control wireless: that is the *real* interest and purpose underlying the Application, Showing and SCRRA Supplement. Further, SCRRA has contracts with these other railroads (for PTC equipment, PTC-system construction and operation, etc.) by which, from the evidence, they will profit from the SCRRA us of the AMTS spectrum it seeks in its own name, but in actuality for the noted multi-railroad system. SCRRA has been and continues to misrepresent and lack candor in these matters.

III. Conclusion

Rather than be permitted to have the Application removed from the Hearing, SCRRA and its Application's actual affiliates and partners, indicated above, should be fully subject to discovery and other aspects of the Hearing, including under application of the *Jefferson Radio policy,* Jefferson Radio Co. v. FCC, 119 U.S. App. D.C. 256, 340 F.2d 781, 783 (D.C. Cir. 1964).

As indicated above, SkyTel filed a petition to deny the Application (that was timely and otherwise procedurally and substantively sound), and that proceeding is not consolidated under the Hearing. However, the Application was also made part of the Hearing. In both cases, Maritime's right to assign the licenses captioned above, including the one subject of the Application, can only be lawfully and equitably decided based on the procedures, facts and law in those proceedings.

In addition, in said petition to deny SkyTel asserted facts and law as to defects in the Application (including its associated waiver request) and as to disqualifications of SCRRA including by misrepresentation and lack of candor.

SCRRA should not be permitted to, and cannot lawfully, have SkyTel's petition to deny summarily denied by the Showing, the SCRRA Supplement, or any other such attempt especially by making, as it does in said attempts, unsupported and inaccurate claims concerning mandates to which SCRRA may be subject. Far more than this is and must be required before the Commission could take the extraordinary step of removing SCRAA and its potential future interest in a portion of spectrum from the Hearing.

Respectfully Submitted, July 1, 2011,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing **OPPOSITION TO SUPPLEMENT TO SHOWING PURSUANT TO FOOTNOTE 7** with this executed Certificate of Service is being served this 1st day of July 2011, via U.S. Mail, first class postage prepaid, upon the following:[3/]

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